

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 24981)
of the Estate of Charles James Hawkins)
to Appropriate from Little Peak) Decision 1495
Canyon in Santa Clara County)

DECISION APPROVING APPLICATION

BY THE BOARD

The Estate of Charles James Hawkins having filed Application 24981 for a permit to appropriate unappropriated water; a protest having been received; the applicant and protestants having stipulated to proceedings in lieu of hearing as provided for by Title 23, California Administrative Code Section 737; an investigation having been made by the State Water Resources Control Board pursuant to said stipulation; the Board, having considered all available information, finds as follows:

Substance of Application

1. Application 24981 is for a permit to appropriate 10.65 acre-feet of water per annum (afa) by storage from November 1 to April 1 of each year for stockwatering from Little Peak Canyon tributary to Arroyode las Viboras in Santa Clara County. The point of diversion is located within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of project Section 22, T11S, R6E, MDB&M.

Applicants' Project

2. The applicant has constructed a 15 foot high earthfill dam on Little Peak Canyon which forms a reservoir with an estimated capacity of 10.65 acre-feet. Water stored in the reservoir will be used for stockwatering of 120 head of range cattle.

Protest

3. Application 24981 was protested collectively by Frank S. Guerra Anthony F. Guerra and Carl F. Guerra (Guerra). Protestants own property adjacent to Arroyo de las Viboras approximately seven miles below the point of diversion. They claim interference with their use of water under a prior appropriation, confirmed by License 2082 issued on Application 8542 and interference with groundwater replenishment.

4. License 2082 entitles the protestants to use 0.675 cubic feet per second (cfs) between December 1 and April 1 for irrigation of a 44 acre walnut orchard. Maximum use has been 110 afa. The license is restricted so that diversion is allowed only when water is flowing at the confluence of Arroyo de las Viboras with Arroyo Dos Picachos and in Tequisquita Slough at Shore Road (0.8 miles and 5.2 miles downstream, respectively). Protestants supplement their surface diversion by pumping from five groundwater wells having a total capacity of 300 gallons per minute.

Availability of Water

5. There are no records of flows in Little Peak Canyon. The 38 year continuous streamflow record for the adjoining Pacheco Creek watershed indicates, by correlation, that the average yield of the watershed above applicants' reservoir is 95 afa.

6. About 88 percent of the runoff of Little Peak Canyon occurs during the rainy season from November 1 through April.

Existence of Unappropriated Water

7. Streambed percolation rates in the reach between the applicants' dam and the protestants' property are exceptionally high. Only during brief

periods of very high flow does Arroyo de las Viboras flow past the Hawkins Ranch headquarters, three miles above the protestants' property.

8. The streambed of Arroyo de las Viboras above the protestant, is used by the Pacheco Pass Water District as a percolation bed under License 2186 (Application 8250). A study by the District shows the average percolation rate in the streambed to be 4.13 acre-feet per acre per day.

9. In most years, early winter storms will fill the applicants' reservoir. Runoff from such storms would normally never reach the protestant. Following heavy storms, excess runoff is available throughout the stream system.

10. During heavy storms, in most years, Arroyo de las Viboras produces flows in excess of streambed percolation rates, and flows spill from Hollister Valley and enter Lake San Felipe. Lake San Felipe in turn overflows into the Pajaro River carrying water beyond the groundwater basin. At such times surplus water is available above the natural recharge capacity of the stream system. Furthermore, appropriation of 10.65 afa will have a negligible effect on the groundwater basin which has a usable storage capacity of about 800,000 acre-feet.

11. Unappropriated water is available to supply the applicant, and, subject to suitable conditions, such water may be diverted in the manner proposed without causing substantial injury to any lawful user of water.

12. The intended use is beneficial.

Environmental Considerations

13. All environmental reviews required in compliance with the California Environmental Quality Act have been completed.

Other

14. The records, documents, and other data relied upon in determining the matter are: Decision 885 and Application 24981 and all relevant information on file therewith, particularly the Engineering Staff Analysis of Record dated January 31, 1979.

ORDER

IT IS HEREBY ORDERED that Application 24981 be approved and that a permit be issued to the applicants subject to vested rights. The permit shall contain all applicable standard permit terms (the Board maintains a list of standard terms, and copies of these are available upon request) in addition to the following limitations:

1. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 10.65 acre-feet per annum to be collected from November 1 of each year to April 1 of the succeeding year.

2. This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

3. After the initial filling of the storage reservoir, permittee's right under this permit extends only to water necessary to keep the reservoir full by replacing water beneficially used and water lost by evaporation and seepage, and to refill if emptied for necessary maintenance or repair. Such right shall be exercised only during the authorized diversion season.

4. This permit is subject to the continuing authority of the State Water Resources Control Board to reduce the amount of water named in the permit (or license) upon a finding by the Board that the amount is in excess of that reasonably needed to be held in storage for the authorized uses. No action will be taken by the Board without prior notice to the owner and an opportunity for hearing.

Dated: April 19, 1979

/s/ W. DON MAUGHAN
W. Don Maughan, Chairman

/s/ WILLIAM J. MILLER
William J. Miller, Member

/s/ L. L. MITCHELL
L. L. Mitchell, Member